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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PAUL WEXLER,

Defendant.

2:12-cr-00060-MMD-VCF

MOTION FOR ORDER DIRECTING PAYMENT OF TRANSPORTATION EXPENSES

17 COMES NOW the defendant, PAUL WEXLER, by and through counsel, William
18 Carrico, Assistant Federal Public Defender, and moves this Honorable Court for its order directing
19 the United States Marshal to pay subsistence and travel expenses necessary for the defendant to
20 travel from Tigard, Oregon to U.S. District Court of Las Vegas, Nevada on or before Wednesday,
21 January 30, 2013, to appear in court in the above-entitled matter for the purpose of Sentencing
22 hearing at 9:30 a.m., before Judge Miranda M. Du. It is further requested that the Defendant be
23 permitted to contribute the cost of a return flight at the same time so as to take advantage of the
24 reduced rate paid for travel by the government.

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This Motion is authorized by Title 42, United States Code, Section 4285, Title 18, United States Code, Section 3142 and the authority given to any judge, or magistrate judge, to consider the interests of justice in administering the proceeding before it.

DATED this 14th day of January, 2013.

RENE L. VALLADARES
Federal Public Defender

By /s/ William Carrico
WILLIAM CARRICO
Assistant Federal Public Defender
Counsel for Paul Wexler

1 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**
2 **MOTION FOR ORDER DIRECTING PAYMENT OF TRANSPORTATION EXPENSES**

3 Pursuant to 18 U.S.C. §4285, any United States judge or magistrate may direct the
4 United States Marshal to arrange for the payment of the subsistence and travel expenses of a
5 defendant who has been released on bail in accordance with Title 18 U.S.C. §3142. This procedure
6 anticipates that although the Defendant may not live in the jurisdiction, it may be necessary for an
7 indigent defendant, such as Mr. Wexler, to make a subsequent appearance in court. The statutes
8 provide the means necessary to insure that appearance.

9 The Defendant is obligated to appear for sentencing at a time and place convenient
10 to the Court. He is indigent, and cannot afford the cost of travel to and from his home in Tigard,
11 Oregon. Mr. Wexler lives with his 81 year old mother. He was dismissed from his last employment
12 as a result of his arrest in this case. He requires five medications daily, and he lacks health
13 insurance. In addition, he suffers from chronic bronchitis and seasonal allergies. It has been
14 determined that the defendant qualifies for the appointment of counsel pursuant to 18 U.S.C. §
15 3006A.

16 Defendant, has informed his counsel that he does not have any funds in a bank
17 account or otherwise. Because of his lack of funds, the defendant will be unable to pay for his travel
18 unless this Court directs the United States Marshal to pay his necessary travel and subsistence
19 expenses. Although the Statutes do not specifically authorize the expenditure of funds for the
20 Defendant to travel back to his home, it is accepted practice to permit the purchase of a return flight,
21 at the government rate, if the Defendant is not to be remanded to custody. It is not anticipated that
22 the government will request that he be remanded.
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The interests of justice would be served by a finding that the defendant is financially unable to provide the necessary transportation to appear in Court.

DATED this 14th day January, 2012.

Respectfully submitted,

RENE L. VALLADARES
Federal Public Defender

By /s/ William Carrico
WILLIAM CARRICO
Assistant Federal Public Defender
Counsel for Paul Wexler

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

2:12-cr-00060-MMD-VCF

Plaintiff,

ORDER DIRECTING PAYMENT OF TRANSPORTATION EXPENSES

vs.

PAUL WEXLER,

Defendant.

On the motion of defendant , made pursuant to 18 U.S.C. §4285, and good cause appearing therefor,

IT IS HEREBY ORDERED that the United States Marshal shall arrange for the defendant's non custodial transportation, or furnish the fare for such transportation, from Tigard, Oregon to U.S. District Court, District of Nevada (Las Vegas), on or before Wednesday, January 30, 2013, to appear in court in the above-entitled matter for the purpose of Sentencing hearing on the above-captioned matter, at 9:30 a.m., before Judge Miranda M. Du.

The reimbursement shall be made in the form of cash, United States Money Order, or cashier's check.

IT IS FURTHER ORDERED that the United States Marshal shall furnish the defendant with an amount of money for necessary subsistence expenses while en route to his destination, not to exceed the amount authorized as a per diem allowance for travel expenses under 5 U.S.C. §5702(a).

DATED this 16 of January, 2013.

Carl Gaddis

UNITED STATES MAGISTRATE JUDGE